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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 10/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,835

Applicant(s)

EDWARDS ET AL.

Examiner

Truc T Chuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 07/28/03.
2. Claims 1-61 are pending in this application. Claims 1, 9, 16-18, 24, 32, 40, 46, and 55 are independent claims. In Amendment A, claims 1, 9, 14, 16-18, and 20 are amended. Claims 22-61 are new claims. This action is made final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 102

4. Claims 1-6, 9-14, 16-53, and 55-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerlach, Jr. et al. (U.S. Patent No. 6,484,189 B1).

As to claim 18, Gerlach teaches a system for indicating suggested user responses, comprising:

means for loading an image into first image-editing equipment (object editor, col. 8 lines 17-28);

means for determining a set of quality-related problems of said image using software (SCORE, col. 8 lines 44-57 and figs. 13-14);

means for displaying an animated icon in conjunction with said image (col. 33 lines 34-41); and

means for indicating a suggested user response to one of said set of quality-related problems with said animated icon (evaluation, col. 20 lines 50-67).

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As to claim 19, Gerlach teaches the system of claim 18, wherein said means for indicating includes means for indicating said suggested user response in response to matching a corrective function within said software with one of said set of quality-related problems (col. 33 lines 34-59).

As to claim 20, Gerlach teaches the system of claim 18, further comprising means for moving said animated icon to second image-editing equipment (saved and attached, col. 30 lines 28-42).

As to claim 21, Gerlach teaches the system of claim 18, wherein said means for displaying includes means for loading said animated icon from a remote server because Gerlach's presentation system is computer authoring systems (col. 1 lines 25-33); therefore, information can be transferred from different sources.

As to claims 1 and 2, they are method claims of system claims 18 and 19. Note the rejections of claims 18 and 19 above.

As to claim 3, this is a method claim of claim system claim 19. Note the rejection of claim 19 above.

As to claim 4, Gerlach teaches the method of claim 1, wherein said indicating includes proffering a tool icon by said animated icon (icon menu, col. 8 lines 65-66 and col. 9 lines 1-12).

As to claim 5, Gerlach teaches the method of claim 1, wherein said indicating includes performing a related editing to said animated icon (col. 9 lines 7-22).

As to claim 6, this is a method claim of system claim 20. Note the rejection of claim 20.

As to claim 9 and 10, they are similar in scope to claims 18 and 19 above; therefore, rejected under similar rationale.

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As to claim 11, it is individually similar in scope to claim 19 above; therefore, rejected under similar rationale.

As to claim 12, Gerlach teaches the system of claim 10, wherein said indicator is a tool icon (figs. 7A-D).

As to claim 13, this is a system claim of method claim 5. Note the rejection of claim 5 above.

As to claim 14, the system of claim 10, wherein said animated icon moves to second image-editing equipment (saved and attached, col. 30 lines 28-42).

As to claim 16, this is a product claim of system claim 18. Note the rejection of claim 18 above.

As to claim 17, this is a network claim of system claim 18. Note the rejection of claim 18 above.

As to claim 22, Gerlach teaches the method of claim 1, further comprising receiving said animated icon from second image-editing equipment (copy of the icon from submenu, col. 9 lines 44-54).

As to claim 23, Gerlach teaches the method of claim 22, wherein said animated icon is generated by said second image-editing equipment (creates a module icon and adds the module icon to the presentation, col. 27 lines 25-39).

As to claim 24, Gerlach teaches a method for indicating suggested user responses, comprising:

generating an animated icon on first image-editing equipment (col. 9 lines 44-62); and

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sending said animated icon to second image-editing equipment, said animated icon for indicating a suggested user response to one of a set of software determined quality-related problems of an image loaded into said second image-editing equipment (col. 9 line 63-col. 11 line 62).

As to claim 25, Gerlach teaches the method of claim 24, further comprising said second image-editing equipment determining a set of quality-related problems of said image using software, wherein said determining includes matching a corrective function within said software with one of said set of quality-related problems (if-then-else icons, col. 13 line 50-col. 14 line 37).

As to claim 26, Gerlach teaches the method of claim 25, further comprising said second image-editing equipment indicating said suggested user response, wherein said indicating includes indicating said suggested user response in response to said matching (col. 14 lines 25-50).

As to claim 27, Gerlach teaches the method of claim 24, further comprising said second image-editing equipment indicating said suggested user response, wherein said indicating includes indicating said suggested user response by proffering a tool icon by said animated icon (the appropriate icon requester, col. 9 line 63-col. 10 line 18).

As to claim 28, Gerlach teaches the method of claim 24, further comprising said second image-editing equipment indicating said suggested user response, wherein said indicating includes performing a related editing to said animated icon (manipulate or edit already created presentations, col. 20 lines 50-67).

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As to claim 29, Gerlach teaches the method of claim 24, further comprising receiving said animated icon from said second image-editing equipment (copy of the icon from submenu, col. 9 lines 44-54).

As to claim 30, Gerlach teaches the machine readable medium of claim 16, having stored thereon instructions for indicating suggested user responses, which, when executed by the processor, cause the processor to further perform receiving said animated icon from second image-editing equipment (col. 20 lines 50-67, and col. 9 lines 44-54).

As to claims 31-36, they are product claims of method claims 23-28. Note the rejections of claims 23-28 above respectively.

As to claim 37, it is individually similar in scope to claim 30 above; therefore, rejected under similar rationale.

As to claims 38-39, they are system claims of method claims 22-23. Note the rejections of claims 22-23 above respectively.

As to claims 40-45, they are apparatus claims of method claims 24-29. Note the rejections of claims 24-28 above respectively.

As to claims 46-53, they are system claims of method claims 1, 25-28, 20, and 22-23. Note the rejections of claims 1, 25-28, 20, and 22-23 above respectively.

As to claims 55-60, they are system claims of method claims 24-29. Note the rejections of claims 24-29 above respectively.

Claim Rejections - 35 USC § 103

5. Claims 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerlach, Jr. et al. (U.S. Patent No. 6,484,189 B1) in view of Herz et al. (U.S. Patent No. 5,835,087).

As to claim 7, Gerlach teaches the method of claim 1 wherein said displaying includes loading said animated icon from a remote server (see claim 21 above) but does not teach the animated icon showing banner advertisements that trigger payments to said remote server of said banner advertisements. Herz clearly shows advertisements and electronic payments (col. 40 lines 28-43). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have these highly desirable features of advertisements and electronic payments taught by Herz et al. in Gerlach's presentation system to provide conveniences to all users when using the system.

As to claim 8, Herz also teaches where a user payment on a per-transaction basis is made (a message may also indicate the identity of target object and feedback information, col. 40 lines 37-51). See claim 7 above for motivation.

As to claim 15, this is a system claim of method claim 7. Note the rejection of claim 7 above.

6. Claims 54 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerlach, Jr. et al. (U.S. Patent No. 6,484,189 B1) in view of Hasegawa et al. (U.S. Patent No. 6,169,854 B1).

As to claims 54 and 61, Gerlach clearly teaches the system is a computer system, but Gerlach's system is not located within a camera. Hasegawa teaches a camera having a display

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unit that displays operating information by icons regarding the functions of the camera (col. 4 line 56-col. 5 line 14, figs. 1-2, 6, and 8). It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to have these highly controllable features of Hasegawa's camera loading into Gerlach's system to provide more convenient operating features in one display unit for the users.

Response to Arguments

7. Applicant's arguments filed in Amendment A have been fully considered but they are not persuasive.

Applicants argued the following:

- a. Gerlach does not describe that the variable SCORE represents a set of quality related problems.
- b. Gerlach does not disclose a limitation of displaying an animated icon.

The Examiner disagrees for the following reasons:

Per (a), Gerlach clearly describes the variable SCORE represents a set of quality related problems by setting the variables (either numerical or alphabetical, col. 8 lines 37-43), which can be used to enter an expression for a conditional icon or others (if icon, col. 31 lines 44-63), in order to change assignment expressions and conditional expressions (col. 8 lines 29-57, and figs. 13-14) to show a preferred implementation of the icons to the users (col. 32 lines 34-47).

Per (b), Gerlach clearly teaches displaying an animated icon (col. 9 lines 63-67, col. 10 lines 1-10, and col. 17 lines 24-29).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong
10/09/03

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